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Attorney Docket No. 944-003.103-2

IN THE U.S. PATENT AND TRADEMARK OFFICE

Re application of :  
Yan Wang et al. : Examiner: Cho, Hong Sol  
Filed: Herewith : Group Art: 2619  
Serial No. 10/781,327  
Filed: February 17, 2004 :  
For: ADAPTIVE SPREADING FACTOR BASED ON POWER CONTROL

CORRECTED TRANSMITTAL OF TWICE PREVIOUSLY SUBMITTED  
RESPONSE TO NON-FINAL OFFICE ACTION DATED APRIL 8, 2008

Director for Patents  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Arlington, VA 22313-1450

Sir:

This communication is an explanation and corrected resubmission of our response originally dated and filed with the USPTO on June 23, 2008 and resubmitted again on 15 October 2008 at the request of the Examiner, Hong Cho.

**\*\*\*If any fee and/or extension is required in addition to any enclosed herewith, please charge Account No. 23-0442.**

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

- Deposited with the United States Postal Service with sufficient postage as first class Mail in an envelope addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

**FACSIMILE**

- Transmitted by facsimile to the U.S. Patent and Trademark Office.



*Signed and Filed*

Date: Feb. 2, 2009

Mariellen Chapdelaine  
(type or print name of person certifying)

Both of these submissions, as well as the current corrected submission, were the response to a Non-final Office Action dated April 8, 2008.

Mr. A. Grassty, 571-272-8255, of the USPTO phoned our office in early December 2008, probably to inquire about our intentions for the case. At the time we were monitoring the case and waiting for a response from the requested resubmission which had been mailed on October 15, 2008. We previously had no reason to think there was a problem with this case because we received back the stamped postcard from the Oct. 15, 2008 resubmission to the USPTO. Mariellen Chapdelaine, my assistant, determined that the source of the continuing problem was that the above responses were never associated with the right case at the USPTO because the wrong serial number appeared on the transmittal in both the original response of June 23, 2008 and the resubmission of the response on Oct. 15, 2008. The serial number which appeared on the original and subsequent resubmission transmittal was for another case, U.S. application No.: 10/702,217, which is our docket number 944-003.160-1. **All** of the other identifying information on the transmittal was correct and pertained to the case under discussion.

Mariellen Chapdelaine, my assistant, phoned Mr. Grassty back at the above phone number on Dec. 4, 2008 and spoke with him, explaining the problem with the incorrect serial number, as well as the fact that our response appeared in PAIR under the incorrect serial number. Mr. Grassty understood the problem and responded that he would contact the examiner right away to explain what happened so the problem could be corrected. Mr. Grassty also said that we could expect either a phone call or mail from the USPTO shortly. Ms. Chapdelaine specifically asked him if there was any issue regarding unintentional abandonment of the case and Mr. Grassty replied that there would be no such

problem.

No response was ever received with regards to Ms. Chapdelaine's phone conversation with Mr. Grassty and she subsequently phoned the USPTO again on Jan. 16, 2009. Ms. Chapdelaine was then referred to Mr. Edin Orgad and phoned him on 2 occasions at 571-272-7884 leaving detailed messages for him. Mr. Orgad phoned Ms. Chapdelaine on Jan. 23, 2009 and told her to call either Wing Chan or Daniel Ryman, both supervisors. Between Jan. 23 and the end of January, Ms. Chapdelaine left detailed messages for both Mr. Grassty and Wing Chan (twice) in order to determine the correct course of action in this matter. She has not received any replies as of yet.

We are now submitting the response to the office action dated April 8, 2008 and respectfully request that you accept such without censure or penalty since we diligently made every effort to provide the Patent and Trademark Office with our reply in a timely manner and note that since all other information on the response was correct, it should have been noted at the PTO and the paperwork properly associated with the correct case. Copies of all previous correspondence and return postcard form the USPTO are included with this response as well as a copy of the original response with the serial number corrected. Please let us know immediately if any additional steps are required to ensure consideration of our remarks and response to the office action dated April 8, 2008.

Respectfully submitted,

Date: 2/2/09

  
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Anatoly Frenkel  
Registration No. 54,106

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
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(203) 261-1234



FEB 04 2009

Applicant: Wang, et al.

For: Adaptive Spreading Factor Based on Power Control

Serial No./Patent No. 10/702,217

Filed/Issued: 2/17/04

The following papers were received in the U.S. Patent and Trademark Office:

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| <input type="checkbox"/> RCE  | <input type="checkbox"/> Issue Fee Transmittal   |
| <input checked="" type="checkbox"/> Amendment Transmittal                         | <input type="checkbox"/> Transmittal of Formal Drawings                                  |
| <input checked="" type="checkbox"/> Amendment and/or Response <i>Resubmission</i> | <input type="checkbox"/> Submission of Proposed Drawing Amend.                           |
| <input type="checkbox"/> Comp. of Filing Requirements Transmittal                 | <input type="checkbox"/> Drawings - No. of Sheets _____                                  |
| <input type="checkbox"/> Copy of Notice of Missing Parts                          | <input type="checkbox"/> Fee: _____ Enclosed   |
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| <input type="checkbox"/> Assignment w/Cover Sheet                                 | <input type="checkbox"/> Form PTO-1449 w/References                                      |
| <input type="checkbox"/> Cert. Copy of Priority Doc. w/transmittal                | <input type="checkbox"/> Req. for Certificate of Correction w/<br>PTO/SB/44 in duplicate |
| <input type="checkbox"/> Maintenance Fee Transmittal                              |  |

copy return receipt postcard

Express Mail No.

Attorney: A2F

Date Mailed: 10/15/08 Docket No. 944-003.103

Please date stamp and return



OCT 17 2008

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WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON

OCT 21 2008

FILE 944-003.103-2  
ANS'D. A2F



FEB 04 2009

Applicant: Wang, et al.

For: Adaptive Spreading Factor Based on Power Control

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| <input type="checkbox"/> RCE  | <input type="checkbox"/> Issue Fee Transmittal                 |
| <input checked="" type="checkbox"/> Amendment Transmittal                         | <input type="checkbox"/> Transmittal of Formal Drawings        |
| <input checked="" type="checkbox"/> Amendment and/or Response <i>Resubmission</i> | <input type="checkbox"/> Submission of Proposed Drawing Amend. |
| <input type="checkbox"/> Comp. of Filing Requirements Transmittal                 | <input type="checkbox"/> Drawings - No. of Sheets _____        |
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Attorney: AZF Date Mailed: 10/15/08 Docket No. 944-003.103-2

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